



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,817	04/20/2001	Yun-Ting Lin	US 010197	1575

24737 7590 12/02/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

PESIN, BORIS M

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,817

Applicant(s)

LIN, YUN-TING

Examiner

Boris Pesin

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 2, 4, 7, 8, 9, 11, 12, 13, 14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman et al. (US 6078348) in view of Bedard (US 5801747).

In regards to claim 1, a method of automatically generating a list of favorite media selections of a user of a media presentation device offering a plurality of media selections, comprising: recording for each of a plurality of selections a total time that each of the plurality of selections have been selected on the media presentation device over a particular period of interest, wherein recording includes: (i) for each occurrence of selecting one of the plurality of selections over the particular period of interest, at least (a) recording in a first table entries of a start time, an end time, a date, and a

Art Unit: 2174

corresponding selection identification number, wherein a total time per occurrence corresponds to a difference between the end time and the start time, and (b) deleting from the first table entries that no longer occur within the particular period of interest (i.e. *"The system may keep track of a user's viewing habit by storing such information in the database using, for example, a capture utility that functions like a stopwatch by channel to determine viewing time. This in turn allows the system to keep track of a user's most watched channels, and each week, the system may automatically order the channels on the user's guide screen, typically the channels that the user watches most will be listed first."* Column 11, Line 45 – 54), and (ii) periodically referencing the first table to perform at least one of generating and updating a second table, wherein the at least one of generating and updating the second table includes (a) using entries of the first table per selection to calculate a cumulative total time for each of the plurality of selections that have been selected over the particular period of interest and (b) recording each cumulative total time for corresponding selections as entries of the second table; and generating from the entries of the second table a favorite selection list, favorite selection list including up to N selection of the plurality of selections corresponding to those most frequently selected as determined from (a) the recorded cumulative total time that each of the plurality of selections has been selected over the particular period of interest and (i.e. *"The system may keep track of a user's viewing habit by storing such information in the database using, for example, a capture utility that functions like a stopwatch by channel to determine viewing time. This in turn allows the system to keep track of a user's most watched channels, and each week, the system may automatically order the*

Art Unit: 2174

channels on the user's guide screen, typically the channels that the user watches most will be listed first." Column 11, Line 45 – 54, Using two tables instead of one to generate a favorite list is not novel. Klosterman achieves the same result with the same data as the Applicant using only one table. The decision to implement the list of favorite media selections using two tables is purely based on the system and the requirements of the system. It would be obvious to have two tables for quicker retrieval of data but the downside of that implementation would be storage space. So where storage space is not a significant issue, one might choose to implement Klosterman using two tables for quicker access to the data.). Klosterman does not teach generation ^{of} a list of favorite media selections (b) only if the recorded cumulative total time of a corresponding selection during a sampling period within the period of interest exceeds a threshold and wherein N is a predetermined number of selections to be included on the favorite selection list. Bedard teaches, *"The viewer profile will thus only consider significant those viewing periods longer than one viewing unit. One skilled in the art will understand that the time duration represented by one viewing unit can be varied (e.g., 1 minute, 5 minutes, 10 minutes, etc.), but illustratively, and for the purpose of describing the present invention, one viewing unit will be defined as fifteen minutes in duration. Therefore, only viewing durations longer than one viewing unit, or fifteen minutes, will be considered in determining the viewer's preferred categories of television programming and preferred channels"* (Column 4, Line 5-15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Klosterman with the teachings of Bedard to include a method of adding entries in the

favorite list after a certain period of time, with the motivation to provide for better determination of what channels are the user's "favorites".

In regards to claim 2, Klosterman and Bedard disclose all of the limitations of claim 1. Klosterman further teaches a method wherein the media presentation device includes at least one of a television, a radio, a music compact disc player, and a computer (i.e. "The system may keep track of a user's viewing habit by storing such information in the database using, for example, a capture utility that functions like a stopwatch by channel to determine viewing time. This in turn allows the system to keep track of a user's most watched channels, and each week, the system may automatically order the channels on the user's guide screen, typically the channels that the user watches most will be listed first." Column 11, Line 45 – 54). Klosterman discloses his invention in a television, which is a type of media presentation device. However any applicable media representation device would be sufficient to utilize the teachings of Klosterman and Bedard.

In regards to claim 4, Klosterman and Bedard disclose all of the limitations of claim 1. Although Klosterman does not specifically mention coupling a time-keeping device to the media representation device for providing the start time and end time, it is inherent in the invention that since you are inputting data into a database relating to the times the program that is being watched, that you have a time keeping device within the system.

In regards to claim 7, Klosterman discloses that the plurality of selections comprise a plurality of television channels (Column 11, Line 49).

In regards to claims 8, 9, and 11, based on the rejection for claim 2, it is inherent in Klosterman's invention that a plurality of selections comprise a plurality of respecting media channels.

In regards to claim 12, Klosterman and Bedard teach all the limitations of claim 1. Klosterman does not teach a method of claim 1 wherein the threshold is on the order greater than 10 hours. Bedard teaches, "*The viewer profile will thus only consider significant those viewing periods longer than one viewing unit. One skilled in the art will understand that the time duration represented by one viewing unit can be varied (e.g., 1 minute, 5 minutes, 10 minutes, etc.), but illustratively, and for the purpose of describing the present invention, one viewing unit will be defined as fifteen minutes in duration. Therefore, only viewing durations longer than one viewing unit, or fifteen minutes, will be considered in determining the viewer's preferred categories of television programming and preferred channels*" (Column 4, Line 5-15).

Claim 13 is the same context as claim 1; therefore it is rejected under similar rationale.

Claim 14 is the same context as claim 2; therefore it is rejected under similar rationale.

Claim 20 is the same context as claim 12; therefore it is rejected under similar rationale.

Claims 5, 6 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman et al. (US 6078348) and Bedard (US 5801747) in view of applicant's admitted prior art.

In regards to claim 5, Klosterman and Bedard teach all of the limitations of claim 1, but they lack a method of further comprising: referencing wherein the favorite selection list in response to receipt of a scan command by the media presentation device and scanning through the N selections on the favorite selection list, pausing briefly at each of the N selections during scanning through the N selections, until the scan command is discontinued. However the inventor discloses in the description of related art that it is possible to scan through the "favorite list" option, stopping at each particular channel for several seconds (Page 3, Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to use that teaching and modify Klosterman and Bedard to have a scan option for the favorite list, in order to assist the user in picking out a channel that they are interested in watching.

In regards to claim 6, Klosterman and Bedard disclose all the limitations of claim 1, but they lack an ability to add and delete channels from the guide, or the favorite list. However the applicant discloses in the description of related art, that it is possible to designate channels as favorites therefore having the ability to add and delete channels from the favorite list (Page 3, Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to use that teaching and modify Klosterman and Bedard to include the ability of adding and deleting channels from the guide with the motivation to provide the user with more flexibility on what his favorite channels are.

Claim 18 is in the same context as claim 5; therefore it is rejected under similar rationale.

Claim 19 is in the same context as claim 6; therefore it is rejected under similar rationale.

Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman et al. (US 6078348) and Bedard (US 5801747) in view of Kiyoura et al (US 4841506).

In regards to claim 10, Klosterman and Bedard discloses all the limitations of claim 9 but lack the limitation of employing a favorite selection list to influence a random play feature of the media presentation device to present the music selection on the favorite selections list more frequently than music not on the favorite selection list. Kiyoura teaches in his invention, "disks and selections more in accordance with the user's preference are played more frequently" (Abstract, Line 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to use Kiyoura's teaching and modify Klosterman and Bedard to include a feature that would play things that the user listened to most often in greater frequency in order to give the user a more pleasurable listening experience.

Claim 15 is in the same context as claim 10; therefore it is rejected under similar rationale.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman et. al. (US 6078348) and Bedard (US 5801747) in view of Tanaka (US 5617571).

In regards to claim 17, Klosterman and Bedard teach all the limitations of claim 13. Klosterman does not teach the limitation of having a time keeping device with a timer and a clock. Tanaka teaches "The CPU, the ROM, the RAM, and the clock timer constitute a main microcomputer for a television." (Column 5, Line 21). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Klosterman and Bedard with Tanaka to include a clock timer (i.e. timer and clock) with the motivation to provide for having the ability to time something and figure out when to take a certain action.

Response to Arguments

Applicant's arguments with respect to claims 1,2,4-15 and 17-20 have been considered but are moot in view of the new ground(s) of rejection.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BP

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100